

## REMARKS

Please cancel Claim 3 without prejudice. Claims 1-2 and 4-14 are pending. Claims 1, 4-7, 10 and 14 are amended herein. No new matter is added as a result of the claim amendments.

### 102 Rejections

The instant Office Action states that Claims 1-2 and 7-14 are rejected under 35 U.S.C. § 102(a) as being anticipated by Chujoh et al. ("Chujoh;" U.S. Patent Application Publication No. 2001/0017933). Applicants have reviewed the cited reference and respectfully submit that Chujoh does not anticipate or render obvious the embodiments of the present invention set forth in Claims 1-2 and 7-14.

Independent Claims 1 and 10 each recite an encoder/decoder. Chujoh appears to describe an encoder in a monitor camera section 1, and a decoder in a monitoring center 2. However, according to the Federal Circuit, "[a]nticipation requires the disclosure in a single prior art reference of each claim under consideration" (W.L. Gore & Assocs. v. Garlock Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983)). However, it is not sufficient that the reference recites all the claimed elements. As stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention "arranged as in the claim" (emphasis added; Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)). Hence, Chujoh does not anticipate the claimed encoder/decoder.

Furthermore, independent Claim 1 recites an optical transceiver. Chujoh appears to describe a transceiver 28. However, Chujoh's transceiver is not an optical transceiver.

In light of the claim amendments and the remarks above, Applicants respectfully submit that the comments in the instant Office Action with regard to statements of intended or field of use and recitations to the material or article worked upon are rendered moot.

In summary, Applicants respectfully submit that Chujoh does not show or suggest the present claimed invention as recited in independent Claims 1 and 10. Accordingly, Applicants respectfully submit that the basis for rejecting Claims 1 and 10 under 35 U.S.C. § 102(a) is traversed and that these claims are in condition for allowance. Claims 2, 7-9 and 11-14 depend from Claim 1 or 10 and recite additional limitations. Therefore, Applicants also respectfully submit that the basis for rejecting Claims 2, 7-9 and 11-14 under 35 U.S.C. § 102(a) is traversed and that these claims are in condition for allowance.

### 103 Rejections

#### Claims 4 and 5

The instant Office Action states that Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chujoh in view of Garnache et al. ("Garnache;" U.S. Patent Application Publication No. 2004/0165641). Applicants have reviewed the cited references and respectfully submit that Chujoh and Garnache, alone or in combination, do not anticipate or render obvious the embodiments of the present invention set forth in Claims 4 and 5.

Claims 4 and 5 are dependent on independent Claim 1 and recite additional limitations. As presented above, Applicants respectfully submit that Chujoh does not show or suggest the limitations of Claim 1. Applicants further submit that Garnache does not overcome the shortcomings of Chujoh. Specifically, Applicants respectfully submit that Garnache, alone or in combination with Chujoh, does not show or suggest either an encoder/decoder or an optical transceiver. At best, Garnache appears to describe only an optical transmitter.

Furthermore, Applicants respectfully assert that there is no teaching, suggestion, or motivation within Chujoh and Garnache to combine or modify the teachings of those references to produce the present claimed invention. The level of skill in the art cannot be relied upon to provide the suggestion to combine references. Without a motivation to combine, a rejection based on a *prima facie* case of obviousness is improper, even if the combination of references teaches every element of the claimed invention (please refer to MPEP § 2143).

In summary, Applicants respectfully submit that Chujoh and Garnache, alone or in combination, do not show or suggest the present claimed invention as recited in independent Claim 1. Because Claims 4 and 5 depend from independent Claim 1 and recite additional limitations, Applicants also respectfully submit that Chujoh and Garnache, alone or in combination, do not show or suggest the present claimed invention as recited in Claims 4 and 5. Therefore, Applicants respectfully submit that the basis for rejecting Claims 4 and 5 under 35 U.S.C. § 103(a) is traversed and that these claims are in condition for allowance.

#### Claim 6

The instant Office Action states that Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Chujoh in view of Kuhara et al. ("Kuhara;" U.S. Patent Application Publication No. 2004/0022540). Applicants have reviewed the cited references and respectfully submit that Chujoh and Kuhara, alone or in combination, do not anticipate or render obvious the embodiments of the present invention set forth in Claim 6.

Claim 6 is dependent on independent Claim 1 and recites additional limitations. As presented above, Applicants respectfully submit that Chujoh does not show or suggest the limitations of Claim 1. Applicants further submit that Kuhara does not overcome the shortcomings of Chujoh. Specifically, Applicants respectfully submit that Kuhara, alone or in combination with Chujoh, does not show or suggest either an encoder/decoder or an optical transceiver. At best, Kuhara appears to describe only an optical transmitter.

Furthermore, Applicants respectfully assert that there is no teaching, suggestion, or motivation within Chujoh and Kuhara to combine or modify the teachings of those references to produce the present claimed invention. The level of skill in the art cannot be relied upon to provide the suggestion to combine references. Without a motivation to combine, a rejection based on a *prima facie* case of obviousness is improper, even if the combination of references teaches every element of the claimed invention (please refer to MPEP § 2143).

In summary, Applicants respectfully submit that Chujoh and Kuhara, alone or in combination, do not show or suggest the present claimed invention as

recited in independent Claim 1. Because Claim 6 depends from independent Claim 1 and recites additional limitations, Applicants also respectfully submit that Chujoh and Kuhara, alone or in combination, do not show or suggest the present claimed invention as recited in Claim 6. Therefore, Applicants respectfully submit that the basis for rejecting Claim 6 under 35 U.S.C. § 103(a) is traversed and that Claim 6 is in condition for allowance.

#### Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-2 and 4-14 overcome the rejections of record, and therefore Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

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Respectfully submitted,  
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